

## REMARKS

Applicant respectfully requests reconsideration of this application in view of the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in substantially the same order in which the corresponding issues were raised in the Office Action.

### Status of the Claims

Claims 1-39 are pending. Claims 1, 2, 4, 7, 11, 12, 19, and 33 are currently amended to more clearly define pre-existing claim limitations. No claims are canceled. No claims are added. No new matter has been added.

### Summary of the Office Action

Claims 11 and 12 stand objected to because they contain the limitation “storage element is...” The objection states it is unclear as to how this is related to the rest of the invention. Examiner requests that the limitation be changed to either “each of said plurality of storage elements are ...” or “one of said plurality of storage elements is...”

Claims 4, 19-23, and 25-32 stand rejected under 35 U.S.C. § 101 which states the claimed invention lacks a tangible result / practical application.

Claims 1, 3-7, 19-24, 26-31, and 33-39 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,148,354 to Ban (hereinafter “Ban-354”)

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ban-354 in view of U.S. Patent No. 6,621,796 B1 to Miklos (hereinafter “Miklos”).

Claims 10, 17 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ban-354 in view of Miklos further in view of U.S. Patent No. 5,799,168 to Ban (hereinafter “Ban-168”).

Claims 11 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ban-354 in view of Miklos and Ban-168 further in view of U.S. Patent No. 4,970,407 to Patchen (hereinafter “Patchen”).

Claims 2, 8, 25, 32, and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ban-354 in view of knowledge common in the art.

Claims 13-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ban-354 in view of Miklos and Ban-168.

#### Response to Objections

Claims 11 and 12 stand objected to because they contain the limitation “a storage element is...” In particular, the Office Action states that they contain the limitation “a storage element ...” The objection states it is unclear as to how this is related to the rest of the invention. Examiner requests that the limitation be changed to either “each of said plurality of storage elements are ...” or “one of said plurality of storage elements is...”

Applicant respectfully submits that claims 11 and 12 have been amended to include the language “at least one of said plurality of storage elements is” based on a suggestion of the Examiner. Applicant appreciates the Examiner’s recommendation and respectfully requests that the objections to claims 11 and 12 be withdrawn.

#### Response to Rejections under 35 U.S.C. § 101

The Office Action rejected claims 4, 19-23 and 25-32 under 35 U.S.C. § 101 because the claimed invention allegedly lacks a tangible result / practical application. Applicant respectfully disagrees with the Office action’s allegation.

Claim 4, written in independent form, recites:

An apparatus comprising:

a receiver to receive bytes of a data packet;

**wherein the receiver is operable to transmit relevant bytes of the data packet** and to identify irrelevant bytes of the data packet while receiving the bytes of the data packet; and

a data customer to receive only the relevant bytes of the data packet, the receiver to transmit the relevant bytes of the data packet prior to a receipt of an end of the data packet indication, and the receiver to identify the irrelevant bytes upon a receipt of an end of the data packet indication. (emphasis added)

Claim 4 is an apparatus claim that includes a receiver. The receiver is operable to receive bytes, and to identify irrelevant bytes. These components constitute a machine.

Section 2106 of the MPEP provides that a claim limited to a machine or manufacture, which has a practical application in the technological arts, is statutory. In most cases, a

claim to a specific machine or manufacture will have a practical application in the technological arts. See *Alappat*, 33 F.3d at 1544, 31 USPQ2d at 1557. This is not a disembodied mathematical concept which may be characterized as an 'abstract idea,' but rather a specific machine to produce a useful, concrete, and tangible result."); and *State Street*, 149 F.3d at 1373, 47 USPQ2d at 1601 ("the transformation of data, representing discrete dollar amounts, by a machine through a series of mathematical calculations into a final share price, constitutes a practical application of a mathematical algorithm, formula, or calculation, because it produces 'a useful, concrete and tangible result' - a final share price momentarily fixed for recording and reporting purposes and even accepted and relied upon by regulatory authorities and in subsequent trades."). See MPEP 2106(IV)(B)(2)(a). Applied to this claim, the receiver transmits data packets to be received by a data customer. The relevant bytes of the data packets are transmitted, while the irrelevant bytes of the data packet are not transmitted. Transmitting bytes of data packets constitutes a useful, concrete, and tangible result, according to MPEP 2106(IV)(B)(2)(a). Accordingly, Applicant respectfully requests that the rejection of claim 4 under 35 U.S.C. §101 be withdrawn.

For similar reasons, the limitations of claims 19-23 and 25-32, include for example, transmitting only relevant bytes of data packet while receiving the bytes of the data packet, constitute a useful, concrete, and tangible result. Accordingly, Applicant respectfully requests that the rejections of claims 19-23 and 25-32 under 35 U.S.C. §101 be withdrawn.

Response to Rejections under 35 U.S.C. § 102(b)

The Office Action rejected claims 1, 3-7, 19-24, 26-31, and 33-39 under 35 U.S.C. § 102(b) as being anticipated by Ban-354. Applicant respectfully requests withdrawal of these rejections because the cited reference fails to disclose all of the limitations of the claims.

#### CLAIMS 1, and 3-7

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Ban-354. Applicant respectfully submits that claim 1 is patentable over the cited reference because Ban-354 does not disclose all of the limitations of the claim. Claim 1, as amended, recites:

An apparatus comprising:

- a receiver to receive bytes of a data packet;
- the receiver to transmit relevant bytes of the data packet and to identify irrelevant bytes of the data packet while receiving the bytes of the data packet, and wherein **the receiver is operable to remove the identified irrelevant bytes of the data packet prior to transmitting the relevant bytes of the data packet;**
- and

- a data customer to **receive only the relevant bytes** of the data packet.

(Emphasis added)

Claim 1 requires that the receiver is operable to remove the identified irrelevant bytes of the data packet prior to transmitting the relevant bytes of the data packet. Nothing in Ban-354 discloses at least this limitation of the claim.

Ban-354 is directed to an architecture for a Universal Serial Bus (USB) based PC flash disk. See Ban-354, Abstract. The flash disk includes a storage unit made of a flash array and a USB controller. See Abstract. The USB controller includes a data and status handler component (See data and status handler 76 of Figure 6). The Office action contends that the data and status handler 76 meets this limitation of the claim, stating that the checksum and PID values are not needed by the flash device and are not sent to the Memory Technology Driver (MTD). The applicant, however, disagrees with the Office action's characterization of the prior art and submits that Ban-354 does not disclose this limitation of the claim because Ban-354 only discloses that error detection and correction methods may be performed by the data handler, and not that the checksum and PID values are not needed by the flash device. Even if the checksum and PID values are not

needed by the flash device, nothing in Ban-354 discloses that the checksum and PID values are not transmitted to the flash device. Therefore, Ban-354 fails to disclose at least this limitation of the claim. Given that the cited reference fails to disclose all of the limitations of the claim, Applicant respectfully submits that claim 1 is patentable over the cited reference. Accordingly, Applicant requests that the rejection of claim 1 under 35 U.S.C. § 102(b) be withdrawn.

Given that claims 3-7 depend from independent claim 1, which is patentable over the cited reference, Applicant respectfully submits that dependent claims 3-7 are also patentable over the cited reference. Accordingly, Applicant requests that the rejection of claims 3-7 under 35 U.S.C. § 102(b) and the rejection of claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Ban-354 in view of knowledge common in the art.

#### CLAIMS 19-32

Claim 19 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Ban-354. Applicant respectfully submits that claim 19 is patentable over the cited reference for similar reasons as described above with respect to claim 1. Given that the cited reference fails to disclose all of the limitations of the claim, Applicant respectfully submits that claim 19 is patentable over the cited reference. Accordingly, Applicant requests that the rejection of claim 19 under 35 U.S.C. § 102(b) be withdrawn.

Given that claims 20-24 and 26-31 depend from independent claim 19, which is patentable over the cited reference, Applicant respectfully submits that dependent claims 20-24 and 26-31 are also patentable over the cited reference. Accordingly, Applicant requests that the rejection of claims 20-24 and 26-31 under 35 U.S.C. § 102(b) and the rejection of claims 25 and 32 under 35 U.S.C. § 103(a) be withdrawn.

#### CLAIMS 33-39

Claim 33 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Ban-354. Applicant respectfully submits that claim 33 is patentable over the cited reference for similar reasons as described above with respect to claim 1. Given that the cited reference fails to disclose all of the limitations of the claim, Applicant respectfully

submits that claim 33 is patentable over the cited reference. Accordingly, Applicant requests that the rejection of claim 33 under 35 U.S.C. § 102(b) be withdrawn.

Given that claims 34-39 depend from independent claim 33, which is patentable over the cited reference, Applicant respectfully submits that dependent claims 34-39 are also patentable over the cited reference. Accordingly, Applicant requests that the rejection of claims 34-39 under 35 U.S.C. § 102(b) and the rejection of claim 36 under 35 U.S.C. § 103(a) be withdrawn.

#### Response to Rejections under 35 U.S.C. § 103(a)

#### CLAIMS 9-18

The Office Action rejected claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Ban-354 in view of Miklos. Applicant respectfully requests withdrawal of these rejections because the combination of cited references fails to teach or suggest all of the limitations of the claims. Claim 9, as amended, recites:

A circuit comprising:

a plurality of storage elements to delay transmitting of bytes of a data packet by a predetermined number of bytes;

a first input signal to indicate presence of a valid byte of the data packet on an input data bus;

a second input signal to advance the byte through the plurality of storage elements; and

**a third input signal to indicate an end of the data packet and to cancel advancement through the plurality of storage elements of bytes stored in the plurality of storage elements**, the third input signal combined with the second input signal to indicate presence of an irrelevant byte on an output data bus.

(Emphasis added).

Applicant respectfully submits that claim 9 requires a third input signal to indicate an end of the data packet and to cancel advancement through the plurality of storage elements of bytes stored in the plurality of storage elements. The Office action contends that this limitation is met by the end of packet signal, stating that there must be a signal to determine the end of packet otherwise the device would never know when to send the data to the flash device. Applicant, however, respectfully submits that nothing in Ban-354, expressly or implicitly, discloses that the end of packet signal *is configured to both*

*indicate the end of the data packet and cancel the advancement through the buffers (as indicated as meeting the limitation of a plurality of storage elements).*

Miklos fails to cure this deficiency. Miklos is directed to a more effective discard mechanism for Selective Repeat ARQ (Automatic Repeat Request), where the discard mechanism exhibits a sender-initiated discard signaling scheme. Miklos, Abstract. Automatic Repeat Request (ARQ) is a commonly used technique in telecommunications systems and data networks. It is used to ensure the reliable delivery of protocol data units (PDUs) from a sending entity (herein referred to as a sender) to a receiving entity (herein referred to as a receiver). In general, ARQ employs an error detection code during data transmission. The error detection code allows the receiver to determine whether a given PDU was correctly received. See col. 1, lines 12-23. Nothing in Miklos, however, discloses the use of **a signal to indicate an end of the data packet and to cancel advancement through the plurality of storage elements of bytes stored in the plurality of storage elements**, as required by the claim.

Given that the cited references fail to teach or suggest all of the limitations of the claim, Applicant respectfully submits that claim 9 is patentable over the cited references. Accordingly, Applicant requests that the rejection of claim 9 under 35 U.S.C. § 103(a) be withdrawn.

Given that claims 10, 11, 12, 13-16, 17 and 18 depend from independent claim 9, which is patentable over the cited references, Applicant respectfully submits that dependent claims 10, 11, 12, 13-16, 17 and 18 are also patentable over the cited references. Accordingly, Applicant requests that the rejection of claims 10, 11, 12, 13-16, 17 and 18 under 35 U.S.C. § 103(a) be withdrawn.

### CONCLUSION

It is respectfully submitted that in view of the amendments and remarks set forth herein, the rejections and objections have been overcome. If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Kevin O. Grange at (408) 720-8300.

If there are any additional charges, please charge them to Deposit Account No. 02-2666.

Respectfully submitted,

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